

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

KELSEY BLUE )  
 )  
v. ) NO. 3:07-0161  
 ) JUDGE CAMPBELL  
ADVANTAGE TITLE & ESCROW, INC. )

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 38) and Objections filed by the Plaintiff (Docket No. 39).

The Court has reviewed the Report and Recommendation, the Objections, and the file. Plaintiff insists that the Magistrate Judge has relied on a “non-existing” Local Rule to require the association of local counsel in this case. Local Rule 83.01(h), however, clearly provides:

If none of the counsel appearing on behalf of a party in any civil case is a resident of or has his principal law office in the State of Tennessee, the Clerk of Court shall immediately notify said counsel that there shall be joined of record by written appearance, within ten (10) days thereafter, associate counsel qualified to practice in the United States Court for the Middle District of Tennessee who is a resident of this state or has his principal law office therein, in default of which, all pleadings filed on behalf of such party may be stricken by the Court, either upon motion or upon the Court’s own initiative.

The facts of this case are a perfect example of the need for Local Rule 83.01(h). Plaintiff herein failed to comply with Local Rule 56.01 in filing her Motion for Partial Summary Judgment and her Motion for Full Summary Judgment. Similarly, Plaintiff failed to comply with Local Rule 83.01(f)(1), which requires the prompt filing of a Notice of Appearance once counsel undertakes the representation.

The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved.

Accordingly, Plaintiff's Motion for Partial Summary Judgment (Docket No. 18) is DENIED. Plaintiff's Motion for Full Summary Judgment (Docket No. 32) is DENIED. Plaintiff's Motion to Strike Defendant's Summary Judgment Evidence (Docket No. 31) is DENIED except as to the phrase in the Affidavit of Beth Triplett which states: "It was common knowledge in the office that Ms. Blue spent a good deal of her time on her real estate business during her work day at Advantage Title and Escrow." That phrase was not considered by the Court in ruling on these Motions.

Furthermore, Plaintiff shall be proceeding *pro se* and Mr. R.J. Blue shall file no further pleadings in this case, unless and until he fully complies with the Court's prior Order and the Local Rules of this Court.

This matter is set for trial by contemporaneous Order.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE